



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

December 15, 2020

MEMBERS, OCONEE COUNTY COUNCIL
Mr. John Elliott, Chair Pro Tem, District I
Mr. Paul Cain, Vice Chair, District III
Mr. Julian Davis III, Chairman, District IV
Mr. Glenn Hart, District V
Mr. Wayne McCall, District II

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Amanda F. Brock, County Attorney David Root, & Katie D. Smith, Clerk to Council present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeesc.com/council]. In addition, it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Riley Morningstar / The Journal

Call to Order

Mr. Davis called the meeting to order at 6:00 p.m.

Public Comment Session

If you are not able to attend in person and you have a comment, you may submit it by contacting our Clerk to Council, Katie Smith at ksmith@oconeesc.com or 864-718-1023, so that she may receive your comment and read it into the record.

Ms. Sunday Gray addressed Council regarding the Oconee Community Theater and what they have been working on and also noted their roof had been damaged during the tornado and requested funds from Council.

Mr. Frankie Pearson addressed Council and thanked them for the work they had completed this year, wished everyone a Merry Christmas, and noted that Mr. McCall will be missed.

The Clerk to Council read a letter into the record that Mr. McCall received [copy filed with backup materials] from the Mountain Rest Community Club.

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County Council Response to Public Comment

Mr. McCall noted he had received numerous phone calls from citizens and from Clemson University and Hamilton Career Center regarding Tri-County Technical College. He noted he visited the Hamilton Career Center machine tool program and was impressed with the projects the students had completed and commended Dr. Thorsland and his entire staff at the Hamilton Career Center.

Mr. Hart wished everyone a Merry Christmas and Happy New Year and noted Mr. McCall will be missed by Oconee County.

Mr. Cain thanked Mr. McCall for his service to the County, asked for remembrance for everyone that is not doing well, wished everyone a Merry Christmas and a happy, safe, & healthy 2021, and appreciates the opportunity to serve and thanked the staff of Oconee County.

Mr. Davis wished everyone a Merry Christmas and noted this year has been a tough year but we're better together than apart.

Moment of Silence

Mr. Davis asked for a moment of silence and asked to remember those we have lost this year and to those that are in the hospital prior to the Invocation by County Council Chaplain.

Invocation by County Council Chaplain

Mr. Root, County Council Chaplain, gave the invocation.

Pledge of Allegiance

Mr. McCall led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve the December 1, 2020 Regular Minutes as presented.

Administrator's Comments

Ms. Brock wished everyone Happy Holidays, thanked the citizens and staff, thanked Council members for their dedication and utilizing our staff and also noted there are changes in the holiday hours and scheduling.

Attorney's Comments

Mr. Root asked that Mr. Andy Smith, Chair of Conservation Bank Board, could come forward at the appropriate time to give a brief update on the modification of a grant application.

Proclamation 2020-12

Proclamation 2020-12 Supporting the South Carolina Right to Farm Act

Mr. Davis read **Proclamation 2020-12** into the record.

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Mr. McCall made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Proclamation 2020-12** on first & final reading.

Members of the Agricultural Advisory Board that were present came forward to accept **Proclamation 2020-12**.

Public Hearings for the Following Ordinances

If you are not able to attend in person and you would like to be heard during the public hearing, please contact Katie Smith at ksmith@oconeesc.com or 864-718-1023 so that she may coordinate your participation by telephone.

Ordinance 2020-21 “AN ORDINANCE AUTHORIZING AND APPROVING (1) THE DEVELOPMENT OF A NEW JOINT COUNTY INDUSTRIAL AND BUSINESS PARK (FRIENDSHIP COURT PROPERTY) PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH ANDERSON COUNTY (THE "PARK") SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN ANDERSON COUNTY AND TO INCLUDE THE AFOREMENTIONED PROJECT; (2) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH ANDERSON COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (3) THE DISTRIBUTION OF REVENUES FROM THE PARK TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND (4) OTHER MATTERS RELATED THERETO.”

Mr. Davis opened the floor for Public Comment.

Noting that no citizens signed up to address Council, Mr. Davis opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

Mr. Davis asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Davis closed the Public Hearing regarding **Ordinance 2020-21**.

Third Reading of the Following Ordinances

Ordinance 2020-21 [see caption above]

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to approve **Ordinance 2020-21** on 3rd & final reading.

Second Reading of the Following Ordinances

Ordinance 2020-23 “AN ORDINANCE GRANTING CERTAIN EASEMENT RIGHTS TO THE CITY OF SENECA AT THE SENECA RAIL PARK FOR THE PURPOSE OF CONSTRUCTING,

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MAINTAINING, AND OPERATING PIPELINES, MANHOLES, AND RELATED ITEMS FOR THE PURPOSE OF CONVEYING POTABLE WATER, OR SANITARY SEWAGE / INDUSTRIAL WASTE; AND OTHER MATTERS RELATED THERETO.”

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve **Ordinance 2020-23** on second reading.

First Reading for the Following Ordinances

Ordinance 2020-24 “AN ORDINANCE AMENDING CHAPTER 32 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE REMOVAL OF “*DISTANCE REQUIREMENTS*” CURRENTLY FOUND AT SECTION 32-181 OF THE OCONEE COUNTY CODE OF ORDINANCES.”

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to approve **Ordinance 2020-24** on first reading.

Ordinance 2020-25 “AN ORDINANCE AUTHORIZING OCONEE COUNTY TO ENTER INTO AN ENERGY SAVINGS PERFORMANCE ARRANGEMENT, BETWEEN OCONEE COUNTY AND JOHNSON CONTROLS, INC., AND A RELATED LEASE PURCHASE ARRANGEMENT (NOT TO EXCEED \$3,400,000.00), BETWEEN OCONEE COUNTY AND ONE OR MORE LENDERS, EACH AS DESCRIBED IN SOUTH CAROLINA CODE ANNOTATED 11-27-110; AND OTHER RELATED MATTERS.”

Mr. Cain made a motion, seconded by Mr. Elliott, to approve **Ordinance 2020-25** on first reading.

Discussion continued to include negotiation on the contract and potential workshop with Johnson Controls, Inc. [JCI] on January 19, 2021 before 2nd reading.

Regarding the previous motion made by Mr. Cain, seconded by Mr. Elliott, it was approved 5 – 0, to approve **Ordinance 2020-25** on first reading.

First & Final Reading of the Following Resolutions

None at this meeting.

Discussion Regarding Action Items

Local ATAX / Oconee County PRT / \$71,000

A portion of Local ATAX revenues received by Oconee County are made available for ATAX grants through Ordinance 2011-12. ATAX grants are to be tourism related grants that meet the ATAX guidelines specified by local and State mandates. Grants are recommended by the PRT Commission based on tourism impact of the project and approved by County Council. All external ATAX grant recipients are required to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant.

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It is staff's recommendation of Council approval of ATAX grant recommendations per the attached spreadsheet.

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve the ATAX grant recommendations per the attached spreadsheet.

A request for Council to approve a letter of support to be sent to the Oconee County Legislative Delegation regarding the temporary reduction of certain regulatory constraints pertaining to farm animal processing

Even in the best of times farmers and ranchers in Oconee County and throughout South Carolina face a relentless shortage of animal processing facilities that can adhere to the many state and federal regulations currently in place. The global pandemic has made the severe shortage of animal processing facilities worse by increasing the demand for fresh meat and reducing the available animal processing workforces. The Oconee County Agricultural Advisory Board recommends the County Council present to our Legislative Delegation some temporary solutions for our farmers and ranchers predicament by temporarily removing some regulatory constraints.

It is staff's recommendation for Council to approve a letter of support to be sent to the Oconee County Legislative Delegation regarding the temporary reduction of certain regulatory constraints pertaining to farm animal processing.

Mr. McCall made a motion, seconded by Mr. Hart, approved 5 – 0, to approve a letter of support to be sent to the Oconee County Legislative Delegation regarding the temporary reduction of certain regulatory constraints pertaining to farm animal processing.

Regarding Oconee County Conservation Bank - Discuss and Ratify Modified Grant Application and Grant Approval related to approximately 155 acres of real property, commonly known as the Whetstone Creek Preserve

Mr. Andy Smith, Chair of the Conservation Bank Board, addressed Council regarding the ratification of modifications to the grant application and the grant approval and gave a brief update.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve the ratification of modifications to the grant application and the grant approval related to approximately 155 acres of real property, commonly known as the Whetstone Creek Preserve.

Oconee County Emergency Services seeks Council's ratification of their request for a grant award from the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Emergency Watershed Protection (EWP) Program, which is reimbursable up to, but not to exceed \$5.2 million with a twenty-five (25%) percent local (County) match, which may be paid by cash or in-kind services, for

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the purpose of clearing debris from County waterways and restoring impaired watersheds

Staff will work to cover the bulk of the local match with in-kind work. A contingency will need to be created for the remaining balance.

Earlier this year, Oconee County Emergency Services sent a letter of request to the USDA / NRCS for funding under the EWP Program.

The EWP Program allows communities to quickly respond to long-lasting, serious damage to land and infrastructure. Program timelines ensure quick assistance from NRCS to help communities cope with the impact of natural disasters. The program also allows NRCS to form non-traditional partnerships with sponsors to complete projects.

Oconee County Emergency Services made its request in order to address damages caused by the April 13, 2020 EF3 tornado. The debris removal and watershed restoration is necessary to safeguard property, including valuable utility infrastructure, as well as the lives of County residents, from an imminent flooding hazard due to tree debris within Coneross Creek and other areas.

The letter received a positive response from the USDA / NRCS, and the funding process has begun. Absent an extension, the County has two hundred and twenty (220) days from when the State initially received the USDA / NRCS funding to complete its work under the program, which occurred in early November. Time is therefore of the essence.

It is staff's recommendation that Council [1] ratify the Letter of Request from Oconee County to the USDA / NRCS for grant funding under the EWP Program, [2] authorize the County Administrator to complete the application for grant funding, executing such other documents as the USDA / NRCS deems necessary to continue the County's involvement in the program (on advice of the Emergency Services Director and the County Attorney), and [3] that prior to obligating the County to local match or other expenditures greater than \$150,000 (in cash or in-kind) cumulatively for this project, this matter be brought back to Council for discussion and further action. In cash or in-kind expenditures, or agreements to expend, that do not exceed \$150,000 cumulatively are hereby approved, and shall come from FEMA reimbursements recently received, as discussed.

Mr. Elliott made a motion, seconded by Mr. Cain, approved 5 – 0, to approve to [1] ratify the Letter of Request from Oconee County to the USDA / NRCS for grant funding under the EWP Program, [2] authorize the County Administrator to complete the application for grant funding, executing such other documents as the USDA / NRCS deems necessary to continue the County's involvement in the program (on advice of the Emergency Services Director and the County Attorney), and [3] that prior to obligating the County to local match or other expenditures greater than \$150,000 (in cash or in-kind) cumulatively for this project, this matter be brought back to Council for discussion and further action. In cash or in-kind expenditures, or agreements to expend, that do not exceed \$150,000 cumulatively are hereby approved, and shall come from FEMA reimbursements recently received, as discussed.

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Seven (7) Chevrolet Tahoe's / Administration / Sheriff's Office / \$289,966.00

The Fiscal year 2020-2021 Capital Replacement plan includes six (6) Chevy Tahoe's for the Sheriff's Office and one (1) for the Administrator.

The new vehicles will replace high-mileage vehicles or vehicles that have been involved in accidents and deemed a total loss. The high-mileage vehicles being replaced will be sold as surplus or replace older vehicles used in other County departments. The Fleet Maintenance Director also approves this purchase.

Love Chevrolet of Columbia, SC was awarded SC State Contract # 4400024875 for Chevrolet PPV SUV's. Chevrolet will not begin production of the 2021 State Contract units until January of 2021. Delivery will be 90 days or more after receipt of order. Love Chevrolet currently has a 2021 four-wheel drive Tahoe on their lot, which will replace the Administrator vehicle; they have agreed sell it to Oconee County based on State Contract pricing. Staff is requesting Council approval to purchase this vehicle off the lot.

It is the staff's recommendation that Council approve the purchase of six (6) Chevrolet Tahoe Police Pursuit SUV's and one (1) 2021 Chevy Tahoe without the PPV package to Love Chevrolet of Columbia, SC, in the amount of \$289,966.00, based on State Contract # 4400024875.

Mr. Cain made a motion, seconded by Mr. Elliott, approved 5 – 0, to approve the purchase of six (6) Chevrolet Tahoe Police Pursuit SUV's and one (1) 2021 Chevy Tahoe without the PPV package to Love Chevrolet of Columbia, SC, in the amount of \$289,966.00, based on State Contract # 4400024875.

County Committee Reports

Mr. Davis read from a prepared statement [copy filed with these minutes] outlining the discussions held at the December 1, 2020 Real Estate, Facilities, & Land Management Committee.

Mr. Davis made a motion, seconded by Mr. Hart, approved 5 – 0, to add Friendship access area and boat ramp to existing 10-year lease that expires on February 2024 and utilize up to \$5,000 annually from local ATAX operations, maintenance and personnel.

Board & Commission Appointments

Building Codes Appeal Board

No questionnaires were submitted for the 1 At Large seat.

Board of Zoning Appeals

No questionnaires were submitted for the District 5 seat.

Conservation Bank Board

No questionnaires were submitted for the District 5 or 1 At Large seat.

Arts & Historical Commission

No questionnaires were submitted for the District 4 seat.

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Agricultural Advisory Board

No questionnaires were submitted for the District 4 seat.

Library Board

No questionnaires were submitted for the 1 At Large seat.

Aeronautics Commission

No questionnaires were submitted for the District V seat.

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to convene for Executive Session for the following purposes: [1] Receive legal advice and discuss contractual matters related to the Rock Quarry, [2] Receive legal advice and discuss contractual matter, and related potential contractual matter, with respect to the disposition of certain County-owned property, [3] Discussion regarding an Economic Development matter, Project Rise, [4] Receive legal advice related to opioid litigation and defendants' bankruptcy issues, and [5] Invite Councilman elect Mr. Matthew Durham to attend discussion items not relating to legal advice.

Executive Session:

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to enter into Executive Session for the following purposes, as allowed for in § 30-4-70(a) of the South Carolina Code of Laws (including invitation for Councilman elect Mr. Matthew Durham to attend the discussion, not including any legal discussion):

[1] Receive legal advice and discuss contractual matters related to the Rock Quarry.

[2] Receive legal advice and discuss contractual matter, and related potential contractual matter, with respect to the disposition of certain County-owned property.

[3] Discussion regarding an Economic Development matter, Project Rise.

[4] Receive legal advice related to opioid litigation and defendants' bankruptcy issues.

Council returned from Executive Session at 7:20 p.m. on a motion, a second and approved unanimously.

Mr. Davis stated no action was taken during Executive Session.

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to direct staff to proceed with payment as discussed regarding the Rock Quarry.

Mr. Cain made a motion, seconded by Mr. Hart, approved 5 – 0, to direct staff to continue negotiations as discussed regarding Project Rise.

Mr. Hart made a motion, seconded by Mr. Cain, approved 5 – 0, to direct our opioid litigation attorneys to execute the restructuring agreement.

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Adjourn:

Mr. Hart made a motion, approved unanimously, to adjourn at 7:21 p.m.

Respectfully Submitted:

Katie D. Smith
Clerk to Council

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